

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., et al.,

Plaintiffs,

v.

KEXLEWATERFILTERS, et al.,

Defendants.

CASE NO. C22-1120JLR

ORDER

I. INTRODUCTION

Before the court is Plaintiffs Amazon.com, Inc., Amazon.com Services LLC (together, “Amazon”), General Electric Company, and Haier US Appliance Solutions, Inc.’s (collectively, “Plaintiffs”) *ex parte* renewed motion for alternative service of process. (Mot. (Dkt. # 25).) As they did in their first motion for alternative service of process (*see* 2/7/23 Mot. (Dkt. # 18); 2/15/23 Order (Dkt. # 22) (denying Plaintiffs’ first

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1 motion)), Plaintiffs seek leave to serve 16 named Defendants¹ using the email addresses
 2 associated with their Amazon Selling Accounts (*see generally* Mot.). Plaintiffs have
 3 been unable to identify accurate business addresses for Defendants and believe that
 4 Defendants are located in China. (*See* 2/15/23 Order at 2-4 (describing Plaintiffs’ efforts
 5 to obtain information about Defendants’ identities and locations).) The court has
 6 considered the motion, all materials submitted in support of the motion, the relevant
 7 portions of the record, and the governing law. Being fully advised, the court GRANTS
 8 Plaintiffs’ *ex parte* renewed motion for alternative service of process.

9 Federal Rule of Civil Procedure 4(h) governs service of process on foreign
 10 businesses. Fed. R. Civ. P. 4(h). Rule 4(h)(2) authorizes service of process on a foreign
 11 corporation “at a place not within any judicial district of the United States, in any manner
 12 prescribed by Rule 4(f) for serving an individual, except personal delivery under
 13 (f)(2)(C)(i).” Fed. R. Civ. P. 4(h)(2). Rules 4(f)(1) and 4(f)(2) provide specific methods
 14 of serving process on individuals in foreign countries. *See* Fed. R. Civ. P. 4(f)(1)-(2).
 15 Rule 4(f)(3) allows international service by a method not listed in Rule 4(f)(1) or (2) if
 16 the method is “not prohibited by international agreement, as the court orders.” Fed. R.
 17 Civ. P. 4(f)(3). As long as the method of service is “court-directed and not prohibited by
 18 an international agreement, service of process ordered under Rule 4(f)(3) may be

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 20 ¹ These Defendants are the individuals and entities doing business as the following
 21 Amazon Selling Accounts: KexleWaterFilters, HOM-POWER Store, NO-MIIMS, CLANORY,
 22 Tomorrow-Citystor, HOMASZ, Romarotic, Dropsales, Tamei-US, DanielJames, icepy,
 WanHaoFilter, HNAMZ-US, DOOBOO-US, Purtech, and Barcelona-US. (Compl. (Dkt. # 1)
 ¶¶ 13-28.) Plaintiffs also allege claims against ten unknown Doe Defendants whom they allege
 work “in active concert with each other and the named Defendants.” (*Id.* ¶ 29.)

1 accomplished in contravention of the laws of the foreign country.” *Rio Props., Inc. v. Rio*
2 *Int’l Interlink*, 284 F.3d 1007, 1014 (9th Cir. 2002).

3 “Even if facially permitted by Rule 4(f)(3),” however, “a method of service of
4 process must also comport with constitutional notions of due process.” *Id.* at 1016.
5 Thus, the “method of service crafted by the district court must be ‘reasonably calculated,
6 under all the circumstances, to apprise interested parties of the pendency of the action and
7 afford them an opportunity to present their objections.’” *Id.* at 1016-17 (quoting *Mullane*
8 *v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)). Thus, before authorizing
9 alternative service of process by email, the court must be satisfied that service by email
10 (1) is permitted under Rule 4(f)(3) and (2) comports with due process.

11 In its February 15, 2023 order denying Plaintiffs’ first motion for alternative
12 service of process, the court determined that service of process by email to defendants in
13 China is permitted under Rule 4(f)(3) but Plaintiffs had not shown that serving
14 Defendants by email would comport with due process. (2/15/23 Order at 6-10.) After
15 reviewing recent case law, the court concluded that “the due process requirement for
16 alternative service by email is satisfied when the plaintiff demonstrates that the email
17 addresses at issue are valid and are successfully receiving messages.” (*Id.* at 8-9
18 (discussing multiple cases).) The court denied Plaintiffs’ motion because Plaintiffs had
19 not demonstrated that the email addresses associated with Defendants’ Amazon Selling
20 Accounts were still valid and that service of process by email would be likely to provide
21 Defendants with notice of this lawsuit. (*Id.* at 9-10.) The court instructed Plaintiffs that
22 they could renew their motion with evidence that email to Defendants’ Amazon Selling

1 Account email addresses remains a reliable means of communicating with Defendants.

2 (*Id.* at 10.)

3 Since the court issued that order, Plaintiffs have sent test emails to the email
4 addresses that Defendants used when they registered for their Amazon Selling Accounts.
5 (Mot. at 2; Lewis Decl. (Dkt. # 26) ¶¶ 8-9.) These email addresses are the primary means
6 of communication between Amazon and Defendants. (Haskell Decl. (Dkt. # 20) ¶ 6.)
7 The test emails provided notice of this lawsuit and included the summons and complaint
8 as attachments. (Lewis Decl. ¶ 9.) Plaintiffs found that at least one email address
9 registered by each Defendant remains functional. (*Id.* (stating that Plaintiffs received no
10 error notices or bounce-back messages with respect to the test emails); *id.* ¶ 10 (listing the
11 functioning email address for each Defendant).)

12 Based on these facts, the court concludes that Plaintiffs have demonstrated that the
13 email addresses associated with Defendants' Selling Accounts are still valid and that
14 service of process by email to those addresses is likely to provide Defendants notice of
15 this lawsuit. As a result, the court is satisfied that Plaintiffs' proposed alternative method
16 of service comports with due process requirements. (*See* 2/15/23 Order at 9-10.)

17 Accordingly, the court GRANTS Plaintiffs' *ex parte* renewed motion for alternative
18 service of process (Dkt. # 25) and AUTHORIZES Plaintiffs to effect service on
19 Defendants by emailing the summons and complaint to Defendants using the email

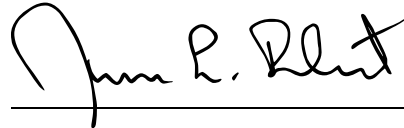
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1 addresses associated with their Amazon Selling Accounts. The court further ORDERS
2 Plaintiffs to advise the court of the status of service by no later than June 30, 2023.

3 Dated this 31st day of May, 2023.

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6 JAMES L. ROBART
7 United States District Judge
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